THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.13155 OF 2004

Dated: 16-11-2005

Between

Sri Lavadiya Bheema, S/o. Pakeer, Kanneveedu, Vastavai (M), Krishna District.

...PETITIONER

AND

The Deputy Registrar of Cooperative Societies, V.M.C. Complex, Vijayawada and others.

...RESPONDENTS

ORDER:

This writ petition is filed questioning the surcharge order dated 29.09.2003 passed by the Deputy Registrar of Cooperative Societies, Vijayawada under Section 60 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') directing one Mr. Tilak, Ex. President and one Mr. L. Bheema – petitioner herein, Secretary of the Kanneveedu Primary Agricultural Society to pay an amount of Rs.1,00,000/- along with interest.

Admittedly the petitioner has got an effective alternative remedy by way of an appeal under Section 76 of the Act before the Andhra Pradesh Cooperative Tribunal against the surcharge order issued under Section 60 of the Act.

Therefore, as the petitioner has got an effective alternative remedy by way of appeal under

Section 76 of the Act he is not entitled for any relief in this writ petition and also I do not see any violation of principles of natural justice as a perusal of the impugned surcharge order goes to show that enquiry has been conducted and order has been passed only after giving reasonable opportunity to the petitioner.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

November 16, 2005

DSK